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5 Attorney for Plaintiff  
SUSAN RAE OWENS

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

SUSAN RAE OWENS.

**Plaintiff,**

v.

ERIC L. BRACHFELD, A PROFESSIONAL CORPORATION, D/B/A BRACHFELD & ASSOCIATES, P.C., D/B/A LAW OFFICES OF BRACHFELD & ASSOCIATES, P.C., a California corporation, and ERICA LYNN BRACHFELD, individually and in her official capacity.

### Defendants.

Case No. 07-04400-JF-PVT

**DECLARATION OF SUSAN RAE  
OWENS IN SUPPORT OF MOTION  
FOR SUMMARY JUDGMENT**

[Fed. R. Civ. P. 56(e)]

SUSAN RAE OWENS, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am the Plaintiff in this case, and I have personal knowledge of the matters stated in this declaration.

2. This declaration is being submitted in support of a Motion for Summary Judgment against Defendants, Erica L. Brachfeld, A Professional Corporation, and Erica Lynn Brachfeld (hereinafter “Defendants”).

26 || 3. I am a resident of Santa Clara County.

27           4.       On a date or dates unknown to me, I incurred a financial obligation, namely  
28 a consumer credit card account issued by Capital One Bank (hereinafter “the debt”). The debt was

1 incurred primarily for personal, family or household purposes.

2       5. I am informed and I believe that on a date unknown to me, the debt was sold,  
3 assigned or otherwise transferred to NCO Financial Systems, Inc.

4       6. Thereafter, on a date unknown to me, the debt was sold, assigned or otherwise  
5 transferred to Defendants for collection.

6       7. Thereafter, Defendants sent a collection letter to me attempting to collect the  
7 debt.

8       8. A true and accurate copy of the collection letter that I received from  
9 Defendants is attached hereto, marked Exhibit "1," and by this reference is incorporated herein.

10      9. The collection letter is dated September 18, 2006.

11      10. The collection letter was sent in an envelope which contained a window  
12 through which information printed on the collection letter could be seen by anyone who handled the  
13 collection letter. This was very upsetting to me because my roommates were able to see that I had  
14 received a debt collection letter from my personal financial information that showed in the window  
15 envelope.

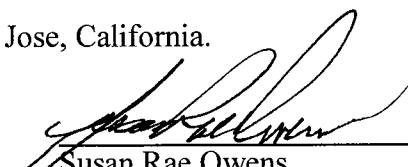
16      11. A true and accurate copy of the envelope in which I received Defendants  
17 collection letter (Exhibit "1") is attached hereto, marked Exhibit "2," and by this reference is  
18 incorporated herein.

19      12. The collection letter (Exhibit "1") stated that the name of Defendants'  
20 business, company or organization is "Law Offices of Brachfeld & Associates, P.C."

21      13. The collection letter (Exhibit "1") and collection envelope (Exhibit "2") stated  
22 that the name of Defendants' business, company or organization is "Brachfeld & Associates, P.C."

23      14. I have learned through my counsel that neither "Law Offices of Brachfeld &  
24 Associates, P.C." or "Brachfeld & Associates, P.C." is the true legal name of a company authorized  
25 to do business in the state of California.

26      Executed on December 28, 2007, at San Jose, California.



Susan Rae Owens